

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ADIDAS L. DAWSON,

Plaintiff,

-vs-

Case No. 15-CV-1026

ANTOINETTE J. JONES,

Defendant.

DECISION AND ORDER

On November 17, 2015, the Court granted the plaintiff's motion for leave to proceed *in forma pauperis*, screened the complaint, and dismissed the complaint for failure to state a claim. The Court also directed the Secretary of the Wisconsin Department of Corrections, or his designee, to collect the remainder of the filing fee from the plaintiff's prison trust account. *See* 28 U.S.C. § 1915(b)(2). The plaintiff has filed a request to alter the collection of the filing fee so that he has more funds available in his account. The plaintiff also requests that the filing fee balance be taken from his "work release account" once he is placed on work release.

The Prison Litigation Reform Act, 28 U.S.C. § 1915(b), provides in relevant part:

(2) After payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of 20 percent of the preceding month's income credited to the

prisoner's account. The agency having custody of the prisoner shall forward payments from the prisoner's account to the clerk of court each time the amount in the account exceeds \$10 until the filing fees are paid.

The question of how a prisoner's filing fee is to be collected is determined entirely by the statute and is outside the prison's control once the prisoner files a complaint or notice of appeal. *Newlin v. Helman*, 123 F.3d 429, 436 (7th Cir. 1997), rev'd on other grounds by, *Walker v. O'Brien*, 216 F.3d 626 (7th Cir. 2000) and *Lee v. Clinton*, 209 F.3d 1025 (7th Cir. 2000). Therefore, the Court must deny the plaintiff's motion to alter the filing fee deduction and use his release account.

NOW, THEREFORE, IT IS ORDERED THAT the plaintiff's motion to alter filing fee deduction and motion to use work release account (ECF No. 11) is **DENIED**.

Dated at Milwaukee, Wisconsin, this 13th day of May, 2016.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge